

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73517 of 2025

Arising Out of PS. Case No.-185 Year-2023 Thana- VIDYAPATINAGAR District-
Samastipur

1.

Vekesh Kumar @ Vikash Kumar @ Vikesh Kumar S/O Suresh Rai @ Suresh Ray R/O Village - Kanhua Bazidpur , Police Station - Vidyapatinagar , District - Samastipur
2.

Rahul Kumar S/O Shivshankar Rai @ Nanhki Rai R/O Village - Sahit Bazidpur , Police Station - Vidyapatinagar , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 75367 of 2025

Arising Out of PS. Case No.-185 Year-2023 Thana- VIDYAPATINAGAR District-
Samastipur

1.

Kundan Kumar Son of Vijay Mahto @ Vijay Kumar R/o Village - Khanua, P.S. - Vidyapatinagar, Dist. - Samastipur.
2.

Boby Kumar Son of Surendra Sah R/o Village - Khanua, P.S. - Vidyapatinagar, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73517 of 2025)

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 75367 of 2025)

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-12-2025 Both the Criminal Miscellaneous Petitions have arisen out of the same P.S. case, hence, they are heard together and decided by a common order.



2. Heard learned counsels appearing for the petitioners and learned APPs for the State.

3. Petitioners seek regular bail in connection with Sessions Trial No. 386 of 2024 and 146 of 2024 arising out of Vidyapati Nagar P.S. Case No. 185 of 2023 dated 17.11.2023 registered for the offences punishable under Sections 399, 402 and 412 of the Indian Penal Code and Sections 25(1-B)(a), 26 and 35 of the Arms Act.

4. Mr. Surya Narayan Roy, learned counsel appearing for the petitioners Kundan Kumar and Bobby Kumar, submits that both the petitioners are very young persons and have been languishing in jail since 18.11.2023 and as per the prosecution's allegation, a loaded country-made pistol is said to have been recovered from the possession of the petitioner Kundan Kumar, but nothing incriminating or objectionable was recovered from the possession of petitioner Bobby Kumar, however, both the petitioners have suffered a lot as they have been in jail since 18.11.2023, and though they have criminal antecedents but they are on bail in all such cases.

5. Mr. Mahendra Pratap, learned counsel appearing for the petitioners Vekesh Kumar @ Vikash Kumar @ Vikesh Kumar and Rahul Kumar, submits that both the petitioners are



also very young persons and have been languishing in jail since 09.02.2024 and 18.11.2023, respectively. Though against the petitioners, there are criminal antecedents of several cases but both are on bail in all such cases. As far as the allegations levelled in the FIR against the petitioners are concerned, nothing incriminating or objectionable material was recovered from the possession of petitioner Vekesh Kumar @ Vikash Kumar @ Vikesh Kumar when he was apprehended with the co-accused persons. It is further submitted that from the possession of the petitioner Rahul Kumar, two live cartridges are said to have been recovered but without any revolver or pistol. Further, the alleged recoveries are said to have been made before the police personnel and not before an independent person. It is lastly submitted by the petitioners' counsel that the petitioners' trial has started, but despite the lapse of about two years, only one prosecution witness has been examined, which shows the lingering attitude of the prosecution and in this regard, the impugned order may be perused.

6. Learned APP for the State has opposed the prayer of the petitioners and submits that the petitioners have criminal antecedents of several cases and there is a great possibility of misuse of bail if they are enlarged on bail.



7. Heard both sides and perused the case diary. Though the petitioners have criminal antecedents in several cases but considering their custody period and mainly the lingering attitude of the prosecution in producing and examining the prosecution witnesses, as only one prosecution witness has been examined so far despite the petitioners being in judicial custody for a long time, and also the fact that the material witnesses of the prosecution who are to be examined are official persons, in my opinion, under the said circumstances, all the petitioners deserve the relief of bail. Accordingly, let the petitioners named-above be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial No. 386 of 2024 and 146 of 2024 arising out of Vidyapati Nagar P.S. Case No. 185 of 2023.

(Shailendra Singh, J)

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